

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Janet Cuventas, et al.,

Plaintiffs,

Case No. 2:15-cv-1096

v.

Judge Michael H. Watson

**United States Department
Of Agriculture, Forestry
Service,**

Magistrate Judge King

Defendant.

AGREED ORDER DISMISSING QUIET TITLE ACTION

- A. On March 26, 2015, Plaintiffs Janet Cuventas, Carolyn Johnston, Robert Johnston, Charles Dennis and Sharon Dennis filed their Complaint to Quiet Title under 28 U.S.C. § 2409a, seeking to quiet title to their interest in all the oil, gas, and other minerals underlying property located in Jackson Township, Monroe County, Ohio (the "Property"). ECF No. 1.
- B. The United States of America, Department of Agriculture, Forest Service ("Defendant") owns the surface of the Property.
- C. On June 16, 2015, Defendant filed its Motion to Dismiss for Lack of Subject Matter Jurisdiction, ECF No. 11, disclaiming any interests to the oil, gas and other minerals in the Property under 28 U.S.C. § 2409a(e).
- D. On July 12, 2015, Plaintiffs responded to Defendant's Motion to Dismiss, ECF No. 12, consenting to the dismissal for lack of subject matter

jurisdiction in light of the Defendant's disclaiming its interest in the oil, gas and other minerals.

E. 28 U.S.C. 2409a(e) states, "If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346 (f) of this title."

NOW, THEREFORE, THE PARTIES AGREE AND THIS COURT FINDS:

1. Defendant has been the surface owner of the Property from its purchase by warranty deed dated February 1, 1965 recorded on February 15, 1965 in Volume 145, Page 743, of the Official Records of Monroe County, Ohio, and Defendant is the current surface owner.
2. The oil, gas and other minerals were severed from the surface estate and reserved in the deed from Wiley Lancaster and Gladys Lancaster, his wife, to Harry L. Midcap dated August 28, 1951 and recorded on April 18, 1952 in Volume 127, Page 38 of the Official Records of Monroe County, Ohio.
3. Defendant's disclaimer of all interest in the oil, gas and other minerals is confirmed and Plaintiffs' title to the oil, gas and other minerals underlying the Property is quieted.

4. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction is **GRANTED**. The above referenced case is **DISMISSED WITH PREJUDICE**, the parties to pay their own costs and fees.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

AGREED TO BY:

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